

Application Serial No.: 10/517,324
Amendment in Response to Restriction Requirement

REMARKS

Claims 1-21 are pending in this application. Claims 9, 11 and 21 are canceled without prejudice or disclaimer, claims 2, 19 and 20 are amended herein. Upon entry of this amendment, claims 1-8, 10 and 12-20 will be pending.

No new matter has been introduced by this Amendment. The amendment to claim 2 is supported by original claim 2, and the amendment to claim 19 corrects a typographical error. The amendment to claim 20 is supported by the example on page 5 of the specification.

Regarding Restriction Requirement.

This paper is submitted in response to the Official Action dated January 26, 2010.

In the Action, restriction is required between Group (I), Claims 1-12, 16-21, 20; Group (II), Claims 13, and 18; Group (III), Claim 14; Group (IV), claims 15; and Group (V), Claims 19 and 21.

Applicants hereby elect the subject matter of Group (I), Claims 1-12, 16-17 and 20 for prosecution in this application. This election is made with traverse of the restriction requirement.

In traversing the restriction requirement, Applicants argue, in particular, that Groups I and V do share a corresponding special technical feature under PCT Rule 13.2. In the Office action, the Examiner states that Beach et al. teaches a plasmid library construct that produces a library of individual dsRNAs, and states that "applicant's invention does not contribute a special technical feature when viewed over the prior art of Beach et al." However, Applicant submits that the Examiner has not properly evaluated the special technical feature of the present claims.

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Group I (for example, claim 1) provides a DNA library for production of a library of dsRNAs and Group V (claim 19) provides a mutated polymerase III promoter. These claims each have a promoter that has been mutated. In particular, both claims 2 and 19 require an AAAAA stretch at the end of the promoter, immediately next to the transcription starting site. This represents the special technical feature of Groups I and V, which defines a contribution over the prior art of Beach et al. US 2002/0162126. Applicant notes the following points regarding the present claims and Beach et al.:

The Examiner cites Beach et al. for disclosing a plasmid library construct that produces a library of individual dsRNAs. However, each plasmid has only one promoter which is not mutated (see paragraph [0143] and claim 16), whereas in the inventions of Groups I and V, the promoters are mutated.

Therefore, this feature of the present claims represents a contribution over the prior art of Beach et al., and there is a special technical feature and unity of invention of the claims. Withdrawal of the restriction requirement is respectfully requested.

In the event that this paper is not timely filed, applicants hereby petition for an appropriate extension of time. The fee for any such extension may be charged to our Deposit Account No. 01-2340.

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In the event any additional fees are required in connection with this response, please charge
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Respectfully submitted,

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Enclosure: Petition for Extension of Time

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